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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,264	05/25/2007	Brian Henry Foscett	139356WOUS	4676
81352	7590	10/29/2009		
RG and Associates 1103 Twin Creeks Allen, TX 75013			EXAMINER ELALLAM, AHMED	
			ART UNIT 2471	PAPER NUMBER
			NOTIFICATION DATE 10/29/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/596,264	Applicant(s) FOSKETT ET AL.	
	Examiner AHMED ELALLAM	Art Unit 2471	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 14 and 19 is/are rejected.
- 7) ☒ Claim(s) 9-12, 15-18 and 20-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/17/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

On page 3, line 8, the numeral character "100" has a typo error.

On page 3, line 8, the terms "MSC 114" has a typo error, the "MCS" is referred to in the drawing by the numeral character "120". See page 2, line 13.

On page 4, line 3, "WMG" has a typo error, it should be "MGW".

Appropriate correction is required.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "transcoder rate adaptation unit (TRAU)" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional

Art Unit: 2471

replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 1, 9, 15, 20 and 21 are objected to because of the following informalities:

Regarding claim 1, claim 1 recites "sending a TFO acknowledgement message from the second network element to the first network element if no TFO acknowledgement message is identified from the third network element". To avoid clear antecedent issue, it is suggested to change the "sending a TFO acknowledgement message from the second network element" to "sending a substitute TFO acknowledgement message from the second network element" to be in conformance with the specification. (See, Paragraph [0024]).

As to claim 9, for similar reasons as indicated above, it is suggested to change "sending a TFO acknowledgment" in the phrase "sending a TFO acknowledgement from the media gateway to the first device if no TFO acknowledgement is identified from the second device", to "sending a substitute TFO acknowledgment".

As to claim 15 and 21 the respective phrases “sending a TFO acknowledgment from the first media gateway” and “sending TFO from third network element” are subject to the same objection as indicated above claim 1.

As to claim 20, claim 20 calls for “sending a TFO acknowledgment from the second media gateway”, it is suggested to change the acknowledgment to avoid antecedent basis and to conform to the specification, as indicated above claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims, 1-8, 13, 14, 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase “sending a TFO acknowledgement message” in the phrase “establishing a TFO call leg between the first and second network elements and establishing a non-TFO call leg between the second and third network elements after sending a TFO acknowledgement message from the second network element” does not refer to its antecedent basis, because it is already preceded by the phrase “sending a TFO acknowledgement message from the second network element to the first network

Art Unit: 2471

element if no TFO acknowledgement message is identified from the third network element". See the objection above with regard to claim 1.

As to claim 2, claim 2 recites "determining whether a timeout period has elapsed without identifying the TFO acknowledgement message from the third network element; and sending the TFO acknowledgement message from the second network element only if the timeout period has elapsed". The sending of the TFO acknowledgment should be differentiated from the TFO acknowledgment from the third element.

Claims 3-8 depend from claim 1, thus they are subject to the same rejections.

Regarding claims 7 and 13, claims 7 and 13 calls for establishing a non-TFO call if no TFO request message is identified. This limitation has contradictory meaning of respective base claims 1 and 9, because it is already stated that a TFO call leg, and non-TFO leg have being established.

Regarding claim 14, claim 14 calls for end-to-end TFO call, however, it is already stated in base claim 9, that a non-TFO is being established, which is contradictory to the end-t-end TFO call.

Regarding claim 19, claim 19 recites the limitation "the network entity" in the phrase "establishing an end-to-end TFO call if a TFO acknowledgment is identified from the network entity". There is insufficient antecedent basis for this limitation in the claim. Further, if claim 19 is to be interpreted as dependent from

Art Unit: 2471

claim 15, which provided for the antecedent basis of the network entity, then claim 19 suffers from the similar deficiencies as indicated in claim 14, because base claim 15 calls for non-TFO leg establishment.

Allowable Subject Matter

5. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

6. Claims 2-8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (571)272-3097. The examiner can normally be reached on 7-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2471

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/AHMED ELALLAM/
Examiner, Art Unit 2471
10/24/09

/Chi H Pham/
Supervisory Patent Examiner, Art
Unit 2471